

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JO ANN BAILEY

PLAINTIFF

vs.

Case No. 3:09CV116-DAS

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY

DEFENDANT

ORDER AWARDING ATTORNEY FEES

Before the court is the claimant's petition (# 20) for payment of attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Order (# 18) dated April 23, 2010, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA on the ground that the Commissioner's position was not "substantially justified." By the petition and attached exhibits, the claimant requests an award of \$2,512.82 in attorney fees and \$350.00 in costs. The Commissioner agrees that the claimant should receive \$2,512.82 in attorney fees and be reimbursed \$350.00 for the filing fee from the Judgment Fund.

The court, having considered the foregoing and the record of this case, finds that \$2,512.82 in attorney fees is reasonable and appropriate and that the claimant should also be reimbursed \$350.00 in costs. Therefore, it is

ORDERED that the claimant's petition for payment of attorney fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant's attorney \$2,512.82 in attorney fees.

IT IS FURTHER ORDERED that the claimant's attorney shall also receive \$350.00 which is to be paid from the Judgment fund.

THIS, the 10th day of May, 2010.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE